

REMARKS

Claims 1-4 are pending in this application. Claims 5-15 have been previously canceled without prejudice or disclaimer. Claim 1 is amended herein. No new matter has been added by way of this amendment. Applicants respectfully request reconsideration of the above-identified application, in view of the above amendments and the following remarks.

Objection to the Specification

1. The Office Action indicates that the Abstract to the disclosure has been objected to due to certain informalities. Specifically, the Office Action asserts, "The abstract of the disclosure is objected to because the abstract should only be one paragraph and describe the invention as now claimed, i.e., method only." (See, Office Action, page 2, paragraph 4.)

Applicants respectfully submit that the substitute Abstract of the Disclosure included herewith, addresses the issues raised in the Office Action. The substitute abstract is under 150 words and is a single paragraph that describes the invention as now claimed. Therefore, Applicants submit that the objections to the Specification have been overcome.

Claim Rejections – 35 U.S.C. § 103

1. Claims 1-4 were rejected under 35 U.S.C. 103(a) as being unpatentable over Rhodes, et al. (US Patent No. 5,890,288), in view of French patent No. 489,717 (the '717 patent). Applicants respectfully submit that amended independent claim 1 is patentably distinct

from the Rhodes patent, either alone or in combination with the '717 patent, in view of the above amendment and the following remarks.

Amended independent claim 1 recites, *inter alia*:

forming the ducts such that the edge portions are situated substantially perpendicular to the web portion and the outer faces of said edge portions are brought into abutment against each other and against the web portion for defining said ducts.

Applicants respectfully submit that the neither the Rhodes patent, nor the '717 patent teaches or suggests situating the edge portions substantially perpendicular to the web portion or arranging the outer faces of the edge portions abutting one another.

The Rhodes patent actually teaches the opposite:

Referring back to FIG. 4A, each of the leg portions 48, 50 is disposed at a predetermined angle, α relative to a vertical plane (designated by line Z-Z) perpendicular to the plane of the base 30. This angle, α , can range between five and fifteen degrees and in the preferred embodiment is ten degrees. Furthermore, the terminal ends 52, 54 of the leg portions 48, 50, respectively are spaced apart a predetermined distance (See, Col. 4, lines 1-7).

The Rhodes patent explicitly separates the leg portions 48 and 50 at the angle α from the Z-Z axis. Accordingly, as clearly illustrated in FIGs. 3, 4A, 4B, and 11, the leg portions in Rhodes are not substantially perpendicular to the base portion, nor do the outer faces of the edge portions abut. Moreover, the French '717 patent does not teach or suggest anything to remedy this deficiency. The '717 patent is silent regarding the relationship between an edge portion and the base portion. Similarly, the '717 patent does not teach or suggest situating the outer faces of the edge portion so they abut.

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Amendment dated September 18, 2003

Reply to Office Action of June 18, 2003

Applicants respectfully submit that amended independent claim 1 is patentably distinct from the cited references. Specifically, Applicants submit that spacing the terminal ends apart at an angle, as in the Rhodes patent, either alone or in combination with, the '717 patent, which is silent with regard to the relationship between the edge and base in the flat tube radiator, is patentably distinct from amended independent claim 1. For at least this reason, Applicants submit that claims 2-4, which are dependent on amended independent claim 1 are also patentably distinct from the cited references. Accordingly, Applicants respectfully request withdrawal of this ground of rejection.

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CONCLUSION

It is now believed that all pending claims are in condition for allowance. In view of the amendment and remarks, an early and favorable reconsideration is respectfully requested.

Respectfully submitted,

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